September 18, 2018

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: *Accelerating Wireless Broadband Deployment Barriers to Infrastructure Investment Declaratory Ruling Third Report and Order*, WT Docket No. 17-79; WC *Docket No. 17-84; & Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 Second Further Notice of Proposed Rulemaking*, MB Docket No. 05-311;

Dear Ms. Dortch:

We write in support of the Federal Communications Commission's efforts to streamline the permitting and fee structures for both wireline and wireless communications in the Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Order and the Implementation of Section 621(a)(1) Second Further Notice of Proposed Rulemaking.

To ensure that 5G deploys across the country a consensus has emerged at the state level regarding approval shot clocks and cost-based fees. It is obvious that small cells, about 3-cubic feet, do not have the same impact as full-scale cell towers, and should be subject to a permit process that reflects this reality.

State laws that have been passed over the last few years have acknowledged that difference, and the FCC has used that guidance to update their own regulations. By clarifying what would trigger a review of fees charged by localities, a marker that is above the cost cap the many states have set on themselves, the FCC's Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment Order creates certainty for both localities and companies. It is important to note that the FCC does not interfere with a locality's ability to perform environmental or aesthetic reviews, but does disallow unjustified after-the-fact impositions.

Wireline capacity is undoubtedly an important part of all connectivity. Consistent with the goal of encouraging competition and broadband deployment, the FCC issued rules in 2007 and 2015 clarifying that in-kind contributions count towards the 5% franchise fee cap established by Congress, and local franchising authorities (LFAs) cannot use their video franchising authority to regulate non-cable video services. The 2018 Second Further Notice of Proposed Rulemaking reaffirms this authority.

The cable franchising rules were adjusted in the 1990s and again in the 2000s to encourage new entrants and competition; however, operators were sometimes saddled with excessive in-kind

contributions not related to cable service that blocked new entrants and depressed incumbents' ability to compete. Those burdens have been lifted by limiting the types of in-kind contributions, and counting in-kind contributions towards the 5% cap for both incumbent operators and new entrants.

As both wireless providers and cable operators compete by offering video, internet, and voice services, it is important to have a level playing field that is technology neutral. **Clarifying that LFAs only have authority over video service and not the other services that cable operators provide, allows a better competitive environment for both new entrants and incumbent providers to enhance existing networks and build new infrastructure.**

We appreciate the FCC's work to increase competition by decreasing regulatory barriers for 5G deployment and by clarifying the limits on local franchise authority.

Regards,

Grover G. Norquist
President
Americans for Tax Reform

Daniel Schneider
Executive Director
American Conservative Union

Steve Pociask
President
American Consumer Institute
Center for Citizen Research

Jeffrey Mazzella
President
Center for Individual Freedom

Katie McAuliffe
Executive Director
Digital Liberty

Patrick Hedger
Policy Director
FreedomWorks

George Landrith
President
Frontiers of Freedom

Mario H. Lopez
President
Hispanic Leadership Fund

Seton Motley
President
Less Government

Pete Sepp
President
National Taxpayers Union

Scott Cleland
Chairman
NetCompetition

Eli Leher
President
R Street Institute

David Williams
President
Taxpayers Protection Alliance